

**SOUTH DAVIS GENERAL PLAN CITIZENS ADVISORY COMMITTEE (SDCAC)
MINUTES OF MEETING ON November 13, 2012**

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DRAFT

Committee Present: Jim Bernardy, John Cooluris, Stan Dean, Maureen Guerrieri, Matt Williams, Olin Woods.

Others Present: Jim Provenza – Yolo County Supervisor,
Gina Daleiden – Deputy to Yolo County Supervisor Provenza
Leroy Bertolero – Yolo County At-Large Planning Commissioner,
Rich Reed - Chair, Yolo County Planning Commission,
David Morrison – Assistant Director, Planning and Public Works,
Landon Scarlett – Recording Secretary.

Citizens Signed In: Mary Klisiewicz, John Klisiewicz, Margo Jameson, Kathy Errecarte, Nancy Erman, Don Erman, Eiko I. Taylor, Lyn Taylor, Mont Hubbard, J. H. Eiser, Jonathon Clay, Gregg Roy, Joanne Roy, Katie Flaherty, Marian Flanders, Leo Romer, Bobby Coyote, and Marcia Kreith.

Item 8.1 Presenter: Tim Ruff.

1) Call to Order – Chair Matt Williams called the meeting to order at 5:30 PM at The El Macero Country Club, and asked everyone to sign in on the sign-in sheet at the back of the room, and to utilize the comment sheets for questions needing future answers.

2) Introductions – The members of the Committee introduced themselves, as did County officials Provenza, Bertolero, Reed and Morrison. Supervisor Provenza explained that the SDCAC was created by Yolo County Supervisors to provide early access for citizens of our unincorporated area to land-use proposals, and to give feedback about those proposals to the Planning Commissioners, who will make their recommendations to the Board of Supervisors, who will make the final decision on the proposals.

3) Approval of Agenda

The Agenda was approved as written

MOVED BY: Cooluris/SECONDED BY: Guerrieri

AYES: Bernardy, Cooluris, Dean, Guerrieri, Williams, Woods

NOES: None

ABSTAIN: None

4) Approval of Minutes of September 18, 2012

MOVED BY: Dean / SECONDED BY: Guerrieri

AYES: Bernardy, Cooluris, Dean, Guerrieri, Williams, Woods

NOES: None

ABSTAIN: None

5) Correspondence and Announcements: None

PUBLIC FORUM

6) Public Comment: none

7) County Report: Mr. Morrison gave an update on the Results Radio application for a radio tower on the Yolo County landfill site, and also informed the Committee that staff has released the Planning Commission Williamson Act Guidelines for review and comment by Citizens Advisory Committees and the public.

8) DISCUSSION ITEMS

8.1 Informational presentation and discussion of Nishikawa Family proposal under the County Clustered Agricultural Housing Ordinance (Ruff/Morrison)

To provide the Committee and the public a sense of how the proposal would be processed, Mr. Morrison explained that there is an expected 6-month processing time for action on the proposal when the application from the developer is deemed by Staff to be complete. The County received the application about a month ago, but at this time it is not deemed to be complete. The County has asked the developer for more clarification in some areas such as the feasibility of water and sewer connections, as well as drainage data.

When the application is complete, formal processing will begin with the major steps being A) about 3 weeks to prepare the CEQA document, B) 30 days for review of the environmental documents, and C) meetings with the City of Davis on the consistency of the proposal with the City-County "Pass-Through" Agreement. After those steps are complete the proposal will come back to SDCAC, which will have one meeting to make their recommendation on the project to the Planning Commission. The Planning Commissioners will hold one or more public meetings and then make a recommendation to the Supervisors, who will also hold a public meeting and then make a decision on the proposal themselves.

Mr. Morrison expects the Planning Commission will receive the proposal in February/March 2013, and it will go to the County Supervisors in April/May 2013. He noted that Mr. Ruff has also submitted the proposal to the City of Davis planning staff for comment under the "Pass-Through" Agreement and the City's planning staff will respond to the County Planning Staff. Mr. Morrison reported that he has had several conversations with the planners in Solano County about this proposal, and that they were fully informed of its potential submission. Yolo County was consulted on the parcel map processed by Solano County. Solano County has reviewed the current proposal.

As a result, SDCAC may have to make its recommendation on this proposal as early as February 2013.

Mr. Williams summarized the probable broad alternative land-uses for this 280 acre property as follows: 1) Under current zoning, eighteen dwellings are permitted on the nine legal parcels with two dwellings per legal parcel; 2) The land could remain farmland forever, but there is no assured protection from development in the future; 3) Since developers can have infinite patience there is always the possibility that all 280 acres could be developed at a greater density in the future; and 4) Under the Clustered Ag Housing Ordinance, there can be there can be a limited amount of clustered housing on up to 15% of the property with no less than 85% of the property protected under permanent easement.

Mr. Bertolero asked Mr. Morrison to explain the principles and objectives of Clustered Ag Housing and how the ordinance was passed. Mr. Morrison explained that it was a controversial idea, but it was approved by the Board of Supervisors and is policy that is currently in place, and noted that the ordinance is due to sunset in December 2013 unless it is renewed. The ordinance aims to consolidate currently allowable dispersed housing into clusters on rural parcels to help preserve, in perpetuity, large farming acreage for production.

Ms. Kreith questioned whether this ordinance can be considered a farmland conservation ordinance. Mr. Morrison explained that planners see it as a rearrangement of already allowable homesites to promote consolidation to allow for efficient use of farmland. He noted that without the conservation easement in place, the project cannot go forward. He explained that in compliance with the ordinance, the proposal recommends a total of 11 building lots (9 parcel homesite lots plus 2 bonus homesite lots), with a maximum of 2 ½ acres per homesite. Mr. Ruff, proposal developer, later explained that he believes 2 ½ acre homesites will give homeowners opportunities for private gardens, room to provide drainage in the bioswale area and space to accommodate well (water) and sewer (wastewater) requirements.

Mr. Erman asked who is responsible for interpreting the sometimes vaguely written County codes. Mr. Morrison said that it was his department that provides such interpretations within the parameters set out by the Board of Supervisors and the General Plan. His staff provides their interpretations and

recommendations to the Planning Commission, which then recommends to the Supervisors who make the final decision on interpretations.

Ms. Roy asked about the issue of endangered species as it reflects on this proposal. Mr. Morrison explained that Swainson's Hawks are the most likely species that would apply, as they nest and forage on most of the flatland in the area of the proposal; however, in this proposal, mitigation would only apply to the 2 bonus lots. There would be no change in development potential for the 9 other existing lots and therefore no mitigation requirement for those lots.

At this point in the meeting, Mr. Williams called for Mr. Ruff to give an informational presentation of the proposal, and in doing so he would address a question asked by Ms. Taylor about public access across the land in question.

Mr. Ruff gave a brief outline of the proposal, referencing the Willowbank area Clustered Ag Housing meeting that was held on November 8, 2012 at the East Davis Firehouse. He explained there are 9 legal residential lots (5 in Solano County and 4 in Yolo County), plus two bonus lots allowed under the Clustered Ag Housing Ordinance, equaling the total of 11 in this proposal with no less than 85% of the total acres under easement in the remainder parcel. He feels combining the Yolo and Solano parcels makes a better proposal, as well as preserving more farmland under perpetual easement, which he sees as the goal of the ordinance. If one considered only the Yolo County lots, the proposal could yield 6 homesites (4 existing legal lots plus 2 bonus lots with 50 acres under easement) and the Solano portion of the property would remain as five 42-acre lots with one or two houses allowed on each lot.

Mr. Ruff noted that the Nishikawa family is anxious to get out of the farming business and is exploring ways to benefit from the sale of the land. This proposal responds to the opportunities offered by the Clustered Ag Housing Ordinance. He noted that he is looking into sewer and water connections with the City of Davis. If this proposal goes through, the 9 existing legal lots would be merged into one remainder parcel with no housing on it under a perpetual conservation easement in return for the 11 homesites. Mr. Ruff noted that ag conservation is the goal here. He indicated willingness to consider shrinking homesite lot sizes a little, and setting the houses back from the street a little more than indicated on his current concept sketch.

The project proposes eliminating 100' - 300' of existing right-of-way for County Road 103A (which is undeveloped and currently in use as a farm road serving Nishikawa Farms), in order to address the conflict between a) the needs of farmers and b) public access across the land in question. The farmers need to protect their crops and avoid potential liability issues associated with crop spraying, use of heavy machinery, trespass, and other farm related activities. County Road 103A is effectively a continuation of Oakside Drive to the south of Montgomery Avenue.

There were questions about road rights-of-way (the surfaces of which vary from place to place), whether the parcels involved had ever had houses on them before (none were known to have existed), timing of establishment of conservation easements (after the tentative map is approved but before the final map is approved - the latter is required before any individual lots can be sold), public access to County roads (depends on whether the County chooses to continue to own the right-of-way), whether the community will have CC&Rs and architecture controls (yes), minimum home size (to be determined), organizations that might hold the easement (various), whether large animals would be allowed (controlled by the CC&Rs), what other agencies and organizations would review the project (15 to 25), when might the CEQA process be prepared (after the application is deemed to be complete), which were asked and answered.

The discussion of item 8.1 ended at 6:40 pm, and Mr. Ruff and many of the citizens who signed in at the beginning of the meeting departed. Ms. and Mr. Erman and Ms. Kreith remained a while longer, and Mr. Clay remained for the duration of the meeting.

8.2 Discussion of Draft Zoning Change Proposal (Cooluris/Dean).

Mr. Cooluris and Mr. Dean spoke of their summary of the zoning issues as sent to SDCAC members prior to this meeting and asked Mr. Morrison to propose a time-line for SDCAC feedback to the County.

As background, Mr. Morrison noted that every city and county in California has to have a General Plan and Zoning Code. The plan sets the broad vision, and the zoning code deals with the details of implementing the plan and has to be consistent with it. In Yolo County the 2030 General Plan was adopted in 2009 and the County is just getting to the Zoning Code update to bring it into accord with court cases and law. Currently El Macero and Willowbank are considered two of 31 communities in Yolo County. In Yolo County, "a community" is considered anything that is not agriculture for zoning purposes. Mr. Morrison noted concepts of "Smart Growth" (increased density and other goals) that are inherent in the 2030 Master Plan.

Mr. Cooluris asked if there was any objective in the establishment of the zoning to complement existing neighborhoods. Mr. Morrison's answer was "no". Mr. Cooluris and Mr. Dean noted aspects of the current zoning they consider inappropriate for long-established communities such as Willowbank and El Macero (e.g. allowance of convenience stores, laundromats, manufactured housing, etc.), and asked what could be done to remove these items from the zoning in these communities. Mr. Morrison noted that several of the items (e.g. manufactured housing) are mandated by California law. He pointed to two avenues for some specialization in the current zoning: "Overlay Zones" or, less desirable from Staff's perspective, a customized residential zone for a particular community. Mr. Morrison noted that all residential communities are equal in the eyes of the law. He said that communities continually evolve. The question that the General Plan answers is how to manage change.

Mr. Morrison described CC&Rs and Zoning as separate and parallel. One does not have precedence over the other. The County requests and reviews CC&Rs, but does not enforce them, as that is the responsibility of the community members living under those particular CC&Rs. CC&Rs are a private contract between people in a particular development. The County enforces zoning. The County can require that the CC&R mechanisms are in place, not that they are enforced.

Mr. Clay asked if there would be an opportunity to comment on the zoning. Mr. Morrison noted that comments would be received for likely the next six months. Comments are encouraged so that Staff can be made aware of people's concerns.

Apparently there currently exist no uniform set of CC&Rs for some sections of Willowbank, a fact that concerns Mr. Cooluris vis à vis potential possible changes to these neighborhoods' character under the proposed zoning. Ms. Kreith asked about the Davis "Sphere of Influence" and adjacency of our communities to the services of the City of Davis. Mr. Woods noted that implementation of "Smart Growth" is not going to be easy, that it needs to be a slow organic process where one size does not fit all. Mr. Morrison agreed that it should be a slow and organic process and that what is needed is a collection of comments and arguments to see what can be agreed upon and legally defended.

Mr. Cooluris asked about the general objective of density requirements. Mr. Morrison said that it varies according to the situation. Today, 1 ½ acres is standard to accommodate a well and septic system. Mr. Bertolero noted that soil types are important in septic approval. Mr. Morrison noted that number of bedrooms was also important in determining the size of leach fields.

Mr. Dean suggested we identify areas in the zoning ordinance where there is discretion (i.e. not State mandated) and anticipate possible problem areas for our communities. He and Mr. Cooluris will report their findings on this subject back to Committee members before the next SDCAC meeting when the draft zoning regulations are discussed.

Mr. Bertolero suggested the Committee come up with options and explain the options, but not share their opinions in order to avoid conflict with the Brown Act.

Mr. Morrison noted that the Board of Supervisors has complete discretion on decisions relating to the zoning ordinance within the parameters of State law. He encouraged the Committee to make their recommendations, as they represent the grass roots where public input is most valuable. He added that comments should be sent to his office in the Planning Department of Yolo County.

Mr. Dean asked when the County needed a recommendation from SDCAC on the zoning. Mr. Morrison said ideally comments are needed by April 2013.

9) ACTION ITEMS: none

10) FUTURE AGENDA ITEMS:

10.1 Next Meeting of SDCAC: Tuesday, January 15, 2013 at 5:30 at the El Macero Country Club to continue discussion of item 8.1 above. Mr. Bernardy will be unable to attend. Item 8.2 will be further discussed at a subsequent meeting. **NOTE:** Mr. Cooluris proposed calling a meeting during the week of December 3-7 for continued discussion with Mr. Ruff and the Willowbank/Oakside communities. Mr. Morrison's attendance is desired for either part of or that entire meeting.

11) Adjourn: the meeting adjourned at 8:25 pm

MOVED BY: Cooluris/SECONDED BY: Dean

AYES: Bernardy, Cooluris, Dean, Guerrieri, Williams, Woods

NOES: None

ABSTAIN: None

Respectively submitted by:



Landon Scarlett
Recording Secretary